

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

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HOUSE BILL 624

Short Title: Enabling Patriots Act.

(Public)

Sponsors: Representatives Pittman, Speciale, and Ford (Primary Sponsors).

For a complete list of Sponsors, refer to the North Carolina General Assembly Web Site.

Referred to: Judiciary.

April 10, 2013

1 A BILL TO BE ENTITLED
2 AN ACT TO ENHANCE THE ABILITY OF LAWFUL CITIZENS OF NORTH CAROLINA
3 TO PROTECT THEMSELVES, CHILDREN, AND OTHERS FROM CRIMINALS AND
4 VIOLENT SOCIOPATHS AND TO EXPAND AREAS IN WHICH LAWFUL
5 CONCEALED HANDGUN PERMIT HOLDERS MAY CARRY OR KEEP FIREARMS
6 FOR PROTECTION OF THEMSELVES AND OTHERS.

7 The General Assembly of North Carolina enacts:

8 **SECTION 1.** G.S. 14-269.2 reads as rewritten:

9 **"§ 14-269.2. Weapons on campus or other educational property.**

10 (a) The following definitions apply to this section:

11 (1) Educational property. – Any school building or bus, school campus,
12 grounds, recreational area, athletic field, or other property owned, used, or
13 operated by any board of education or school board of trustees, or directors
14 for the administration of any ~~school~~-school, excluding any property which is
15 not used primarily for educational purposes.

16 (1a) Employee. – A person employed by a local board of education or school
17 whether the person is an adult or a minor.

18 (1b) School. – A public or private school, community college, college, or
19 university.

20 (2) Student. – A person enrolled in a school or a person who has been suspended
21 or expelled within the last five years from a school, whether the person is an
22 adult or a minor.

23 (3) Switchblade knife. – A knife containing a blade that opens automatically by
24 the release of a spring or a similar contrivance.

25 (4) Weapon. – Any device enumerated in subsection ~~(b), (b1), (b)~~ or (d) of this
26 section.

27 (b) It shall be a Class I felony for any person ~~knowingly~~ to possess or carry, whether
28 openly or concealed, any gun, rifle, pistol, or other firearm of any kind on educational property
29 or to a curricular or extracurricular activity sponsored by a school. ~~Unless the conduct is~~
30 ~~covered under some other provision of law providing greater punishment, any person who~~
31 ~~willfully discharges a firearm of any kind on educational property is guilty of a Class F felony.~~
32 However, this subsection does not apply to a BB gun, stun gun, air rifle, or air pistol.
33 However, this subsection does not apply to any of the following:

34 (1) A BB gun, stun gun, air rifle, or air pistol.



- 1 (2) Persons not participating in curricular or extracurricular events held at places
2 other than educational property.
- 3 (3) Persons authorized under this section to carry firearms on educational
4 property.
- 5 (4) Firearms left out of sight in a locked vehicle in the parking area, or ordinary
6 pocket knives as defined in G.S. 14-269(d) left out of sight in a locked
7 vehicle in the parking area or carried in a pocket on the person of the person
8 carrying the pocket knife, provided that the pocket knife is not taken out of
9 the pocket on educational property, except in self-defense or to be used in
10 any way as a tool and not as a weapon.

11 (b1) It shall be a Class G felony for any person to possess or carry, whether openly or
12 concealed, any dynamite cartridge, bomb, grenade, mine, or powerful explosive as defined in
13 G.S. 14-284.1, on educational property or to a curricular or extracurricular activity sponsored
14 by a school. This subsection shall not apply to fireworks.

15 (c) It shall be a Class I felony for any person to cause, encourage, or aid a minor who is
16 less than 18 years old to possess or carry, whether openly or concealed, any gun, rifle, pistol, or
17 other firearm of any kind on educational property. However, this subsection does not apply to a
18 BB gun, stun gun, air rifle, or air pistol.

19 (c1) It shall be a Class G felony for any person to cause, encourage, or aid a minor who
20 is less than 18 years old to possess or carry, whether openly or concealed, any dynamite
21 cartridge, bomb, grenade, mine, or powerful explosive as defined in G.S. 14-284.1 on
22 educational property. This subsection shall not apply to fireworks.

23 (d) It shall be a Class 1 misdemeanor for any person to possess or carry, whether openly
24 or concealed, any BB gun, stun gun, air rifle, air pistol, bowie knife, dirk, dagger, slungshot,
25 leaded cane, switchblade knife, blackjack, metallic knuckles, razors and razor blades (except
26 solely for personal shaving), ~~firework~~, or any sharp-pointed or edged instrument except
27 instructional supplies, unaltered nail files and clips and tools used solely for preparation of
28 food, instruction, and maintenance, on educational ~~property~~-property, except that an ordinary
29 pocket knife as defined in G.S. 14-269(d) may be carried, provided that the pocket knife is not
30 displayed, except in a case of self-defense or to be used as a tool and not as a weapon.

31 (e) It shall be a Class 1 misdemeanor for any person to cause, encourage, or aid a minor
32 who is less than 18 years old to possess or carry, whether openly or concealed, any BB gun,
33 stun gun, air rifle, air pistol, bowie knife, dirk, dagger, slungshot, leaded cane, switchblade
34 knife, blackjack, metallic knuckles, razors and razor blades (except solely for personal
35 shaving), ~~firework~~, or any sharp-pointed or edged instrument except instructional supplies,
36 unaltered nail files and clips and tools used solely for preparation of food, instruction, and
37 maintenance, on educational ~~property~~-property, except that an ordinary pocket knife as defined
38 in G.S. 14-269(d) may be carried, provided that the pocket knife is not displayed, except in a
39 case of self-defense or to be used as a tool and not as a weapon.

40 (f) Notwithstanding subsection (b) of this section it shall be a Class 1 misdemeanor
41 rather than a Class I felony for any person to possess or carry, whether openly or concealed,
42 any gun, rifle, pistol, or other firearm of any kind, on educational property ~~or to a curricular or~~
43 ~~extracurricular activity sponsored by a school if:~~

- 44 (1) The person is not a student attending school on the educational property or
45 an employee employed by the school working on the educational property;
46 and
- 47 (1a) The person is not a student attending a curricular or extracurricular activity
48 sponsored by the school at which the student is enrolled or an employee
49 attending a curricular or extracurricular activity sponsored by the school at
50 which the employee is ~~employed; and~~ employed.

- 1 (2) Repealed by Session Laws 1999-211, s. 1, effective December 1, 1999, and
2 applicable to offenses committed on or after that date.
- 3 (3) ~~The firearm is not loaded, is in a motor vehicle, and is in a locked container
4 or a locked firearm rack.~~
- 5 (4) Repealed by Session Laws 1999-211, s. 1, effective December 1, 1999, and
6 applicable to offenses committed on or after that date.
- 7 (g) This section shall not apply to any of the following:
- 8 (1) A weapon used solely for educational or school-sanctioned ceremonial
9 purposes, or used in a school-approved program conducted under the
10 supervision of an adult whose supervision has been approved by the school
11 authority.
- 12 (1a) A person exempted by the provisions of G.S. 14-269(b).
- 13 (2) Firefighters, emergency service personnel, and North Carolina Forest
14 Service personnel, and any private police employed by a school, when acting
15 in the discharge of their official duties.
- 16 (3) Home schools as defined in G.S. 115C-563(a).
- 17 (4) Weapons used for hunting purposes on the Howell Woods Nature Center
18 property in Johnston County owned by Johnston Community College when
19 used with the written permission of Johnston Community College or for
20 hunting purposes on other educational property when used with the written
21 permission of the governing body of the school that controls the educational
22 property.
- 23 (5) A person registered under Chapter 74C of the General Statutes as an armed
24 armored car service guard or an armed courier service guard when acting in
25 the discharge of the guard's duties and with the permission of the college or
26 university.
- 27 (6) A person registered under Chapter 74C of the General Statutes as an armed
28 security guard while on the premises of a hospital or health care facility
29 located on educational property when acting in the discharge of the guard's
30 duties with the permission of the college or university.
- 31 (7) A person who possesses or carries a handgun if the person has a concealed
32 handgun permit issued in accordance with Article 54B of this Chapter or
33 considered valid under G.S. 14-415.24.
- 34 (h) No person shall be guilty of a criminal violation of this section with regard to the
35 possession or carrying of a weapon so long as both of the following apply:
- 36 (1) The person comes into possession of a weapon by taking or receiving the
37 weapon from another person or by finding the weapon.
- 38 (2) The person delivers the weapon, directly or indirectly, as soon as practical to
39 law enforcement authorities."

40 **SECTION 2.** G.S. 14-269.3 reads as rewritten:

41 **"§ 14-269.3. Carrying weapons into assemblies and establishments where alcoholic
42 beverages are sold and consumed.**

43 (a) It shall be unlawful for any person to carry any gun, rifle, or pistol ~~into any
44 assembly where a fee has been charged for admission thereto, or into any establishment in
45 which alcoholic beverages are sold and consumed. Any person violating the provisions of this
46 section shall be guilty of a Class 1 misdemeanor.~~

47 (b) This section shall not apply to any of the following:

- 48 (1) A person exempted from the provisions of ~~G.S. 14-269;~~G.S. 14-269.
49 (2) The owner or lessee of the premises or business ~~establishment;~~establishment.

- 1 (3) ~~A person participating in the event, if he is carrying a gun, rifle, or pistol~~
2 ~~with the permission of the owner, lessee, or person or organization~~
3 ~~sponsoring the event; and~~
- 4 (4) ~~A person registered or hired as a security guard by the owner, lessee, or~~
5 ~~person or organization sponsoring the event.~~
- 6 (5) A person on the premises of an eating establishment as defined in
7 G.S. 18B-1000(2) or a restaurant as defined in G.S. 18B-1000(6), provided
8 the person has a valid concealed handgun permit under Article 54B of
9 Chapter 14 of the General Statutes. This subdivision shall not be construed
10 to permit a person to carry a concealed handgun on the premises of an eating
11 establishment or a restaurant where the person in legal possession or control
12 of the premises has posted a conspicuous notice prohibiting the carrying of a
13 concealed handgun on the premises in accordance with G.S. 14-415.11(c)."

14 **SECTION 3.** G.S. 14-277.2 reads as rewritten:

15 **"§ 14-277.2. Weapons at parades, etc., prohibited.**

16 (a) It shall be unlawful for any person participating in, affiliated with, or present as a
17 spectator at any parade, funeral procession, picket line, or demonstration upon any private
18 health care facility or upon any public place owned or under the control of the State or any of
19 its political subdivisions ~~to~~ willfully or intentionally to possess or have immediate access to any
20 dangerous weapon. Violation of this subsection shall be a Class 1 misdemeanor. It shall be
21 presumed that any rifle or gun carried on a rack in a pickup truck at a holiday parade or in a
22 funeral procession does not violate the terms of this act.

23 (b) For the purposes of this section the term "dangerous weapon" shall include those
24 weapons specified in G.S. 14-269, 14-269.2, 14-284.1, or 14-288.8 or any other object capable
25 of inflicting serious bodily injury or death when used as a weapon. This does not prohibit the
26 incidental carrying of an ordinary pocket knife as defined in G.S. 14-269(d), unless it is taken
27 from concealment and used in a threatening or dangerous manner.

28 (c) The provisions of this section shall not apply to any of the following:

- 29 (1) ~~a~~ Any person exempted by the provisions of G.S. 14-269(b) ~~G.S. 14-269(b).~~
- 30 (2) ~~Any or to persons~~ person authorized by State or federal law to carry
31 dangerous weapons in the performance of ~~their duties~~ his or her duties.
- 32 (3) ~~or to any~~ Any person who obtains a permit to carry a dangerous weapon at a
33 parade, funeral procession, picket line, or demonstration from the sheriff or
34 police chief, whichever is appropriate, of the locality where such parade,
35 funeral procession, picket line, or demonstration is to take place.
- 36 (4) Any person who possesses or carries a handgun if the person has a concealed
37 handgun permit issued in accordance with Article 54B of this Chapter or
38 considered valid under G.S. 14-415.24."

39 **SECTION 4.** G.S. 14-415.23 reads as rewritten:

40 **"§ 14-415.23. Statewide uniformity.**

41 It is the intent of the General Assembly to prescribe a uniform system for the regulation of
42 legally carrying a concealed handgun. To ~~insure~~ ensure uniformity, no political subdivisions,
43 boards, or agencies of the State nor any county, city, municipality, municipal corporation,
44 town, township, village, nor any department or agency thereof, may enact ordinances, rules, or
45 regulations concerning legally carrying a concealed handgun. A unit of local government may
46 adopt an ordinance to permit the posting of a prohibition against carrying a concealed handgun,
47 in accordance with G.S. 14-415.11(c), on local government buildings and their appurtenant
48 premises. A unit of local government may adopt an ordinance to prohibit, by posting, the
49 carrying of a concealed handgun on municipal and county recreational facilities that are
50 specifically identified by the unit of local government. If a unit of local government adopts
51 such an ordinance with regard to recreational facilities, then the concealed handgun permittee

1 may, nevertheless, secure the handgun in a locked vehicle within the trunk, glove box, or other
2 enclosed compartment or area within or on the motor vehicle. For purposes of this section, the
3 term "recreational facilities" includes only the following: a playground, an athletic field, a
4 swimming pool, and an athletic facility. Recreational facilities shall not be construed to include
5 areas of passive recreation such as picnic areas, shelters, restroom facilities, walkways, hiking
6 trails, greenways, and lakes, nor shall this section be interpreted to prohibit firearms in entire
7 parks that contain recreational facilities."

8 **SECTION 5.** This act becomes effective December 1, 2013.